


**RIVERS EDGE II
NINE-LOT MAJOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick 

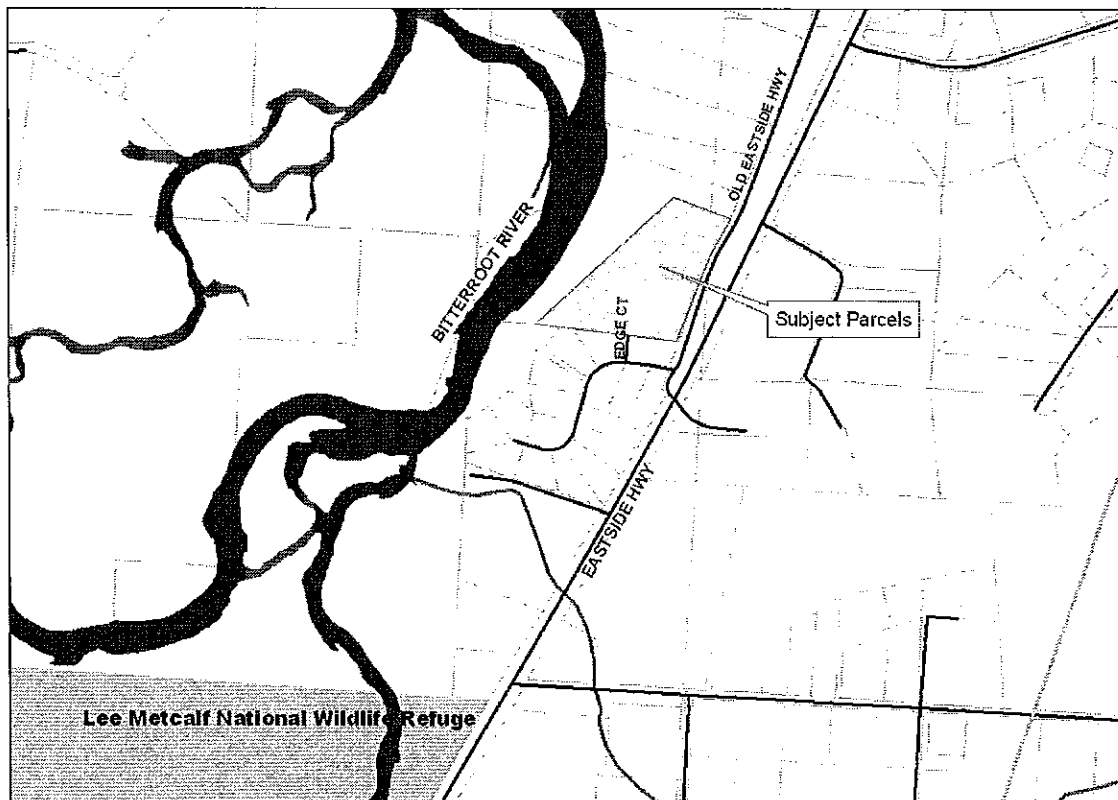
**REVIEWED/
APPROVED BY:** Tristan Riddell 

**PUBLIC HEARINGS/
MEETINGS:** Planning Board Meeting: 7:00 p.m. November 5, 2008
BCC Public Hearing: 10:00 a.m. December 9, 2008
Deadline for BCC action (60 working days): December 15, 2008

SUBDIVIDERS/OWNER: Flyhigh Developers Corp.
4681 Harlequin Drive
Missoula, MT 59808

REPRESENTATIVE: Gordon Sorenson
2610 Gunsight Court
Missoula, MT 59808

LOCATION OF REQUEST: The property is located north of Stevensville off of Old Eastside Hwy and Edge Drive. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Tract 1, COS#529933-TR, Section 25, T10N, R20W & Section 30,
T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on September 16, 2008. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-12 of the staff report. On November 7, 2006, voters enacted interim zoning that applied to any subdivision that had not received preliminary approval from the Board of County Commissioners. As a result of the *Lords et al. v Ravalli County* settlement agreement, legal counsel has advised, that subdivisions not part of the lawsuit that should have received a decision prior to the enactment of interim zoning, should be processed in accordance with the settlement. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on Thursday, October 30, 2008. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked October 6, 2008. Three public comments have been received to date (Exhibit B-1 through B-3).

**DEVELOPMENT
PATTERN:**

Subject property	Agriculture
North	Residential
South	Residential
East	Open Space
West	Residential

INTRODUCTION

Rivers Edge II is a nine-lot major subdivision located north of the Town of Stevensville. The proposal is for residential use. The property is accessed by taking Old Eastside Highway to Edge Drive and turning right on the internal road, Edge Court. The Bitterroot River does not border the proposal, but lies just to the west.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

DECEMBER 9, 2008

RIVERS EDGE II NINE-LOT MAJOR SUBDIVISION

RECOMMENDED MOTION

That the Rivers Edge II Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. *(Staff Note: The Board of County Commissioners should make a decision regarding parkland dedication as part of the motion.)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Effects on Agriculture)*

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Old Eastside Highway frontage of this subdivision. All lots within this subdivision must access their parcel using the internal subdivision road, Edge Court. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. *(Effects on Local Services and Public Health and Safety)*

Notification of Road Maintenance Agreement. The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Road Maintenance Agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. *(Effects on Local Services)*

Notification of Storm Water Drainage Easements. Within this subdivision there is a storm water drainage easement along the property boundary of Lots 4 and 5. No structure or obstruction may be placed within this easement that is not required for storm water management. *(Effects on Local Services and Natural Environment)*

Floodplain Development. This property is located in close proximity to the Bitterroot River. The banks of the River are subject to potential soil erosion, flooding, and movement of the River's channel. A floodplain study has been done for this subdivision and portions of the property were found to be located within the 100-year floodplain of the Bitterroot River. Approval of this subdivision is not a guarantee that properties within this subdivision will be safe from flooding and/or surfacing high groundwater. It is recommended that property owners obtain flood insurance. No paving is permissible in areas delineated as being within the 100-year floodplain. All development within the 100-year floodplain must meet the minimum development standards set forth in the effective Ravalli County Floodplain Regulations. For a complete table of development restrictions and allowances in and near the floodplain, consult the effective Ravalli County Floodplain Regulations. It is also recommended that basements and below grade crawl spaces should not be built in proposed residences. Even though FEMA has granted a LOMR-FW for the subject property, the prerogative to require flood insurance

belongs to the mortgage lenders. Property owners with enclosed floors below the 100-year base flood elevation (BFE) pay substantially higher insurance premiums than those who build above the BFE. Above grade enclosures will also reduce the possibility of groundwater inundation into finished basements and crawl spaces which typically contain the structure's heating, ventilation and air systems. (*Effects on Public Health & Safety*)

Notification of Proximity to a Potential Dam Inundation Area in the Event of a Catastrophic Failure of the Lake Como or Painted Rocks Dams. The subdivision may be located within the dam inundation area for the Lake Como and Painted Rocks Dams. A map of the probable extent of the inundation areas is included as an exhibit to this document [the subdividers shall include the exhibit as an attachment]. (*Effects on Public Health and Safety*)

Notification of "very limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Section 3-2-8(b)(v), Effects on Public Health and Safety*)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes and to protect the Bitterroot River riparian area. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. (*Section 3-2-8(b)(v), Effects on Agriculture, Effects on Natural Environment, & Wildlife and Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for vegetation damage by wildlife, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. Gardens, fruit trees or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for

information on “all-species electric fencing” designed to exclude wildlife from gardens and/or home areas.)

- c. Garbage must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. Do not feed wildlife or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer can attract mountain lions to the area.
- e. Bears can be attracted to food smells associated with outdoor food storage; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. Birdseed in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. Pets must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. Pet food and livestock feed must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. When feeding pets and livestock, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. Barbecue grills should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.

- k. Compost piles can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)
- l. Apiaries (bee hives) could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. Residents of this subdivision must recognize that the subdivision is located within one-half of mile from the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated discharge of shotguns could occur from a half-hour before sunrise through sunset, and the season can run from September into January.
- n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Riparian Use Guidelines. The following covenants, designed to guide use of the “no build/alteration zone”, shall apply:

- a. No new building or alteration is allowed in the zones.
- b. Only non-motorized access and use of the buffer zones is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Wood (i.e., fallen branches, downed trees) is an important part of habitat and contributes significantly to overall slope stability, and dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In general, keep livestock out of the natural drainage, and do not include the drainage in corrals. Use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.
- g. In summary, allow riparian areas--the drainage channel and buffer zones--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Proximity to Lee Metcalf National Wildlife Refuge. This subdivision is located in close proximity to the Lee Metcalf National Wildlife Refuge. The Refuge was established in 1963 to

provide habitat for migratory birds. The mission of the Refuge is to manage habitat for a diversity of wildlife species with emphasis on migratory birds and endangered and threatened species, and to provide compatible human benefits associated with Refuge wildlife and wildlands. For more information on the Refuge contacted them at 4567 Wildfowl Lane Stevensville, MT 59870, Phone: (406) 777-5552. The following shall be included to help preserve the integrity of the Lee Metcalf Wildlife Refuge: (*Section 3-2-8(b)(v), Effects on Natural Environment, Effects on Wildlife & Wildlife Habitat*)

- a. Fertilizers can adversely affect groundwater quality and ultimately wildlife and plants. Lot owners should choose plant species that require minimal fertilizer.
- b. Pharmaceuticals of any kind shall not be flushed down a toilet or sink, as there is a possibility that these substances could contaminate water supplies. Lot owners shall contact their local pharmacist for appropriate disposal of pharmaceuticals.
- c. It is recommended that construction, specifically tree-removal, clearing, and other dirt moving activities occur outside the timeframe of April 1st to July 15th. This timeframe is crucial to the nesting success of migratory birds that will utilize habitat in pastures, wetlands, and tree stands.
- d. No outdoor cats shall be allowed.
- e. To reduce impacts on the native environment it is recommended that native trees be used for landscaping.

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), Effects on Local Services*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v), Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which requires lot owners to post County-issued addresses at the intersection of the driveway leading to each

residence and the road providing access to the lot as soon as construction on the residence begins. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*

Access Requirements for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*

Radon Exposure. Owners must understand and accept the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. *(Section 3-2-8(b)(v), Effects on Public Health & Safety)*

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. *(Section 3-2-8(b)(v), Effects on the Natural Environment)*

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. *(Section 3-2-8(b)(v), Effects on Agriculture and Natural Environment)*

Flood Insurance. It is strongly recommended that property owners obtain flood insurance due to the proximity of the flood hazards as standard homeowner's insurance policies do not cover flood damages. *(Section 3-2-8(b)(v), Effects on Public Health & Safety)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v), Effects on Local Services)*
4. The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
7. The subdividers shall submit a letter or receipt from the Stevensville School District stating that they have received an (amount) per-new-lot prior to final plat approval. *(Section 3-2-8(b)(v), Effects on Local Services)*
8. The subdividers shall submit an (amount)-per-lot contribution made to the County Treasurer's Office to be submitted into an account for Public Safety (Sheriff, E-911, OEM) prior to final plat approval. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health and Safety)*
9. The final plat shall show a no-ingress/egress zone along the subdivisions frontage with Old Eastside Highway. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
10. The applicant shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Edge Drive and Old Eastside Highway. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. The bus shelter must at a minimum include a covered area of at least 32 sq. feet, protection on the north and south ends of the shelter and a bench of at least 5 feet in length. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
11. A five-foot wide, ADA compliant, trail shall be constructed within the 60-foot wide easement along Edge Court and Edge Drive. The trail shall be shown on the final plat within the easement of Edge Court and Edge Drive beginning at the cul-de-sac of Edge Court and ending at the bus shelter near Old Eastside Highway. The trail shall be constructed prior to final plat approval. *(Section 3-2-8(b)(v), Effects on Public Health & Safety)*

12. The final plat shall show a no build/alteration zone that includes all areas within the floodplain and additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. The proposed wells and retention pond (on lot 4) are exempt from the no build/alteration zone and allowed to remain in the proposed locations. *(Section 3-2-8(b)(v), Effects on Public Health & Safety, Effects on Natural Environment)*
13. The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
14. The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
15. A stop sign and road name sign shall be installed at the intersection of the internal subdivision road with Edge Drive prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
16. The Road Maintenance Agreement for the internal subdivision road shall include a provision outlining the maintenance of the drainage swale/easement between Lots 4 and 5. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
17. The subdividers shall finish the entire stretch of drainage easement between Lot 4 and 5 with topsoil and certified weed free grass seed prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities and the Natural Environment)*
18. The subdividers shall submit a letter or receipt from the County Treasurer's Office stating they have received an (amount) per-new-lot for the Ravalli County Open Lands Program prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Agriculture)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)
 - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. Dedication for public use (boundaries, area, purpose)
 - x. No-build/alteration zones
 - y. No-ingress/egress zones
 - z. Water resources (rivers, ponds, etc.)
 - aa. Floodplains
 - bb. Irrigation canals including diversion point(s), etc.
 - cc. High-pressure gas lines
 - dd. Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.

10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal.
13. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
14. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineered plans shall be submitted with the final plat submittal.
16. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
17. Road certification(s) shall be submitted with the final plat submittal.
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
20. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.)
 - a. Specific infrastructure improvements required for this subdivision are the installation of a stop sign and road name sign, installation of the CBU and concrete slab, construction of the internal subdivision road, construction of the walking trail, construction of the bus shelter and turnout, if required.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Old Eastside Highway and Edge Drive. (Rivers Edge II Subdivision Application and Preliminary Plat)
2. Proposed utility easements are located along Edge Court. (Rivers Edge II Subdivision Application and Preliminary Plat)
3. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed by Eastside Highway, Old Eastside Highway, Edge Drive, and Edge Court. (Rivers Edge II Subdivision Application)
2. Eastside Highway is a state-maintained roadway. (MDT)
3. Old Eastside Highway is listed as a county-maintained road. (RCSR)
4. Edge Drive is shown as a privately-maintained road within a 60' private access easement. (Rivers Edge II Preliminary Plat)
5. The internal subdivision road, Edge Court, will be labeled as a "public road and utility easement" on the final plat. (Condition 14)
6. The subdividers is required and is proposing to build Edge Court to County standards. (Rivers Edge II Subdivision Application, Final Plat Requirement 16)

Conclusion of Law

Legal and physical access will be provided for each lot.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval (Final Plat Requirements 1 and 21).

1. Specific infrastructure improvements required for this subdivision are the installation of a stop sign and road name sign, installation of the CBU and concrete slab, construction of the internal subdivision road, construction of the walking trail, construction of the bus shelter and turnout, if required.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

There are no water rights associated with the subject property. (Rivers Edge II Subdivision Application)

Conclusion of Law

This requirement does not apply.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

There are no irrigation ditches on or within 300 feet of the property. (Rivers Edge II Subdivision Application)

Conclusion of Law

This requirement does not apply.

- F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Findings of Fact

1. The application states that .52 acres are required to meet the parkland dedication requirement. (Rivers Edge II Subdivision Application)
2. All lots within the subdivision are proposed for residential use. (Rivers Edge II Subdivision Application)
3. The applicant proposed cash-in-lieu of parkland dedication to meet parkland donation requirements. (Rivers Edge II Subdivision Application)
4. In a letter dated October 28, 2008, Bob Cron from the Ravalli County Park Board stated that the parkland dedication requirement is smaller than the desired size for a neighborhood park. The Ravalli County Park Board, therefore, concurs with the applicant's proposal to provide cash-in-lieu to meet their park obligation. (Exhibit A-1)
5. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdividers and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdividers, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
6. If the BCC determines that cash-in-lieu is appropriate, the applicant will be required to hire an appraiser as outlined in Section 6-1-7. The BCC will determine whether or not the amount is acceptable (Final Plat Requirement 12)

Conclusion of Law

The applicant has proposed parkland dedication that meets State Law requirements and is suitable to the Park Board

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat appears to meet the design standards in Chapter 5 of the RCSR. (Rivers Edge II Subdivision File)
2. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Rivers Edge II Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The property is not within one of the voluntary zoning districts in Ravalli County. (Ravalli County GIS Data)
2. This subdivision was not subject to the settlement agreement filed in the *Lords et al. v. Ravalli County* lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006. However, based on a timeline established by the County, the subdivision should have received a decision prior to the interim zoning regulations coming into effect. On the advice of legal counsel, the subdivision is being reviewed as if it was part of the settlement and may be affected by final adjudication from said settlement. (*Lords et al. v. Ravalli County*)

Conclusion of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants that apply to the property.

Conclusion of Law

This provision does not apply.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the pre-application conference held on September 28, 2005. (Rivers Edge II Subdivision File)
3. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the final plat requirements, the application will meet the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 10.37 acres will result in 9 lots that range in size from 1.0 acres to 1.4 acres. (Rivers Edge II Subdivision Application)
2. The subject parcel is classified for tax purposes as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. Parcels adjacent to the subject property are classified for tax purposes as vacant land rural and residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
4. The new soils data available from the NRCS Web Soil Survey shows that there are soils rated as "Prime Farmland if Irrigated" on approximately 50% of the subject property. (NRCS Websoil Survey)
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was found scattered throughout and around the property. (Rivers Edge II Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - The subdividers shall submit a letter or receipt from the County Treasurer's Office stating they have received an (amount) per-new-lot for the Ravalli County Open Lands Program prior to final plat approval. (Condition 18)
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There are no water rights associated with the subject property. (Rivers Edge II Subdivision Application)
2. There are no irrigation ditches or easements on or within 300 feet of the property. (Rivers Edge II Subdivision Application)

Conclusion of Law

Impacts on agricultural water user facilities should be minimal.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Three Mile Rural Fire District. (Rivers Edge II Subdivision Application)
2. Notification letters were sent to the Three Mile Rural Fire District requesting comments on February 6, 2007 and October 6, 2008, but no comments have been received to date. (Rivers Edge II Subdivision File)
3. The Three Mile Rural Fire District has adopted Fire Protection Standards, which address access, posting of addresses, and water supply requirements. (Exhibit A-2)
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions in the covenants shall require that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *A provision in the covenants shall recommend that houses within the subdivision be built to IRBC standards. (Condition 2)*
 - *The subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 6)*

School District

5. With this subdivision, it is estimated that approximately 4.5 school-aged children will be added to the Stevensville School District, assuming an average of 0.5 children per household (Census 2000).
6. Notification letters were sent to the Stevensville School District requesting comments on February 5, 2007 and October 6, 2008. (Rivers Edge II Subdivision File)
7. In a letter dated October 31, 2008, Kent Kultgen, Stevensville Schools Superintendent, requested \$2,558 per lot to offset the expense of expanded enrollment in the school system. (Exhibit A-10)
8. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-2)
9. Stevensville district bus policy stipulates the buses can only travel on county and state maintained roads. (Exhibit A-3)

10. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the budget per pupil would be \$8,020 for the Stevensville School District (averaging Stevensville High school and Stevensville Elementary). (Exhibit A-4)
11. The Stevensville School District Transportation Supervisor sent a letter on June 24, 2008 stating there preferred dimensions for bus shelters. (Exhibit A-3)
12. *To mitigate impacts on the School District:*
 - *The subdividers shall submit a letter or receipt from the Stevensville School District stating that they have received an (amount) per-new-lot prior to final plat approval. (Condition 7)*
 - *The subdividers shall submit a copy of the letter sent to the Stevensville School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; the letter shall be submitted with the final plat submittal. (Final Plat Requirement 24)*
 - *The applicant shall work with the Stevensville School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed near the intersection of Edge Drive and Old Eastside Highway. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. The bus shelter must at a minimum include a covered area of at least 32 sq. feet, protection on the north and south ends of the shelter and a bench of at least 5 feet in length. (Condition 10)*

Roads

13. This subdivision will add 64 additional trips per day to the road network. (Rivers Edge II Subdivision Application)
14. The property will be accessed via Eastside Highway, Old Eastside Highway, Edge Drive, and Edge Court. (Rivers Edge II Subdivision Application)
15. Eastside Highway is a state-maintained roadway. (MDT)
16. Old Eastside Highway is listed as a county-maintained road. (RCSR)
17. Edge Drive is shown as a privately-maintained road within a 60' private access easement. (Rivers Edge II Preliminary Plat)
18. The subdividers are required to and are proposing to build the internal subdivision road, Edge Court, to County standards. (Rivers Edge II Subdivision Application, Final Plat Requirement 16)
19. Preliminary road plans for Edge Court were approved October 19, 2006 by the Ravalli County Road and Bridge Department (RCRBD). (Rivers Edge II Subdivision File)
20. The RCRBD has accepted that Edge Drive has been designed and constructed to meet the appropriate County standard. (Rivers Edge II Application)
21. The RCRBD has accepted that Old Eastside Highway has been designed and constructed to meet the appropriate County standard. (Rivers Edge II Application)
22. In a letter dated February 13, 2007, Glen Cameron of MDT stated he had no specific comments or any immediate concerns regarding the proposed 5-lot residential subdivision. Modifications to the intersection with the East Side Highway were completed by the adjacent subdivision. (Exhibit A-5)
23. In an email dated October 29, 2008, Glen Cameron noted that it appeared 4 lots were added to the proposed development and that even with the addition of 4 lots, there were no immediate concerns. (Exhibit A-6).
24. There is a 20-foot wide drainage easement which traverses the property line between Lots 4 and 5 leading to a retention pond. (Rivers Edge II Preliminary Plat)
25. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*

- *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
- *The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction. (Condition 1)*
- *The notifications document filed with the final plat shall include a statement notifying lot owners of the road maintenance agreement. (Condition 1)*
- *The notifications document filed with the final plat shall include a statement notifying lot owners of the location of the drainage easements located on the Lots 4 and 5. (Condition 1)*
- *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
- *The internal subdivision road, Edge Court, shall be labeled as a "public road and utility easement" on the final plat. (Condition 14)*
- *A stop sign and road name sign shall be installed at the intersection of the internal subdivision road with Edge Drive prior to final plat approval. (Condition 15)*
- *The Road Maintenance Agreement for the internal subdivision road shall include a provision outlining the maintenance of the drainage swale/easement between Lots 4 and 5. (Condition 16)*
- *The final plat shall show a no-ingress/egress zone along the subdivisions frontage with Old Eastside Highway. (Condition 9)*

Public Safety

26. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Rivers Edge II Subdivision Application)
27. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on February 5, 2007 and October 6, 2008, but no comments have been received to date. (Rivers Edge II Subdivision File)
28. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 22.5 people to the County. (Census 2000)
29. Taxes from new residents may not be immediately available to law enforcement services, E-911, or the Office of Emergency Management (OEM). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
30. *The subdividers shall submit an (amount)-per-lot contribution made to the County Treasurer's Office to be submitted into an account for Public Safety (Sheriff, E-911, OEM) prior to final plat approval. (Condition 8)*

Emergency Services

31. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on February 5, 2007 and October 6, 2008 but no comments have been received to date. (Rivers Edge II Subdivision Application)
32. *To mitigate impacts on emergency services, the subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

Water and Wastewater Districts

33. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Rivers Edge II Subdivision Application)

Solid Waste Services

34. Bitterroot Disposal provides service to this site. (Rivers Edge II Subdivision Application)
35. Notification letters were sent to Bitterroot Disposal requesting comments on February 5, 2007 and October 6, 2008, but no comments have been received to date. (Rivers Edge II Subdivision File)

Utilities

36. Existing utility easements are located along Old Eastside Highway and Edge Drive as shown on the plat. (Rivers Edge II Subdivision Application and Preliminary Plat)
37. Proposed utility easements are located along Edge Court as shown on the plat. (Rivers Edge II Subdivision Application and Preliminary Plat)
38. The proposed subdivision will be served by Northwestern Energy Company and Qwest Communications. (Rivers Edge II Subdivision Application)
39. Notification letters were sent to Northwestern Energy Company and Qwest Communications requesting comments on February 5, 2007 and October 6, 2008, but no comments have been received to date. (Rivers Edge II Subdivision File)
40. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit a utility availability certification from Northwestern Power Company and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

Postal Service

41. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-7).
42. *To mitigate impacts on local services, the subdividers shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that its installation has been approved by the Stevensville post office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. (Condition 13)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision would add 9 new homes to an area of existing medium density development north of Stevensville. (Rivers Edge II Preliminary Plat) (Site Visit)
2. The Montana Department of Environmental Quality (DEQ) has reviewed the PM_{2.5} (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM_{2.5} dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. (Exhibit A-8)
3. Sources of particulate from this subdivision could include vehicles and wood-burning stoves. (Staff Determination)

4. *To mitigate impacts on air quality, the covenants shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 2)*

Ground Water Quality

5. The subdividers is proposing individual wells and wastewater facilities. (Rivers Edge II Subdivision Application)
6. The subdividers submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Rivers Edge II Subdivision Application)
7. In her recommendations dated October 16, 2008, Ravalli County Floodplain Administrator Laura Hendrix stated that the proposed wells and retention pond (on lot 4) should be exempt from the no build/alteration zone and allowed to remain in the proposed locations. (Exhibit A-9)
8. There is a 40' x 40' x 2' deep retention pond located within a 60' x 60' easement located on Lot 4 and a 20-foot wide drainage easement traversing the property line between Lots 4 and 5. (Rivers Edge II Preliminary Plat)
9. *To mitigate impacts on ground water quality, the following requirements and conditions shall be met:*
 - *The applicant is required to submit the DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
 - *The subdividers shall finish the entire stretch of drainage easement between Lots 4 and 5 with topsoil and certified weed free grass seed prior to final plat approval. (Condition 17)*
 - *The final plat shall show a no build/alteration zone that includes all areas within the floodplain and additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. The proposed wells and retention pond (on lot 4) are exempt from the no build/alteration zone and allowed to remain in the proposed locations. (Condition 12)*

Light Pollution

10. The addition of three new residential homes in an area that currently has medium density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
11. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated November 3, 2008 that states she has concerns about artificial light affecting mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole. She recommends that the subdivision follow the guidelines as suggested by the International Dark-Sky Association. (Exhibit A-11)
12. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

13. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed was found scattered throughout the property and spotted knapweed was found scattered around the property. (Rivers Edge II Subdivision Application)
14. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
15. The Montana Natural Heritage Program found that there were no plant species of concern

- within the same sections as the subject property (Rivers Edge II Subdivision Application).
16. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated November 3, 2008. In the letter she recommends that plant species for any common areas require minimal fertilizer. She also recommends the applicant work with the Ravalli County Weed District on a weed management plan for the subdivision to minimize the introduction of noxious weeds. (Exhibit A-10)
 17. Fish, Wildlife, & Parks (FWP) submitted comments July 1, 2004 on the Rivers Edge subdivision. Rivers Edge II is located adjacent to Rivers Edge subdivision. Many of the comments submitted for the Rivers Edge subdivision are relevant to this proposal. (Exhibit A-12)
 18. *To mitigate impacts on the natural environment:*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
 - *The applicant is required to submit the approved Ground Disturbance and Noxious Weed Management Plan prior to final plat approval. (Final Plat Requirement 11)*
 - *The covenants shall include a proximity to Lee Metcalf National Wildlife Refuge section. (Condition 2)*

Noise Levels

19. This subdivision is located 0.4 miles from the Lee Metcalf National Wildlife Refuge. (Ravalli County GIS)
20. Due to the proximity of this proposed subdivision to the Lee Metcalf Refuge and Bitterroot River, there is a possibility of conflict between waterfowl hunters and the subdivision. The sound of the lawful discharge of shotguns may create some concern by the residents. Waterfowl hunting occurs from early morning until sunset, and the season can run from September into January. (Staff Determination from typical FWP comments)
21. *To mitigate impacts of the subdivision being in close proximity to noise from hunting along the Bitterroot River, a notification of the potential noise shall be included in the covenants. (Condition 2)*

Historical/Archeological Sites

16. The application states that there are no known sites of historical significance on the property. (Rivers Edge II Application)
17. *The covenants shall include an archeological resources section. (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. Notification letters were sent to Montanan Fish, Wildlife, & Parks requesting comments on February 5, 2007 and October 6, 2008.
2. Fish, Wildlife, & Parks submitted comments July 1, 2004 on the Rivers Edge subdivision. Rivers Edge II is located adjacent to Rivers Edge Subdivision. Many of the comments submitted for the Rivers Edge subdivision are relevant to this proposal. (Exhibit A-12)
3. Wildlife abounds in the general vicinity of this subdivision. In particular, animals such as white-tailed deer, fox and skunks are found in the area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species, including waterfowl and birds of prey can be found nearby, as well as nesting birds. (Exhibit A-12)
4. This subdivision is located 0.4 miles from the Lee Metcalf National Wildlife Refuge. (Ravalli County GIS)
5. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated

November 3, 2008. The letter contained the following recommendations to mitigate the effects on wildlife and wildlife habitat: (Exhibit A-11)

- FWP's "living with wildlife" provisions should be included in the covenants.
 - Additional covenants should be developed to minimize impacts on wildlife, including a provision prohibiting outside cats.
 - Construction, specifically tree-removal, clearing, and other dirt-moving activities, should occur outside the timeframe of April 1st to July 15th.
6. The property is not located within big-game winter range. (FWP Data)
 7. The property is approximately 75 feet from the Bitterroot River to the west and the riparian area associated with the river, it does not border the River. (Ravalli County GIS)
 8. According to the Montana Natural Heritage Program, the Westslope Cutthroat Trout, Lewis's Woodpecker, Bobolink, and Bird Rookery were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Ravalli County GIS)
 9. The subdividers requested and received a waiver from the requirement to submit a sensitive species report for the Westslope Cutthroat Trout, Lewis's Woodpecker, and Bird Rookery because of lack of habitat on the property and negligible impacts for all species. (Rivers Edge II Subdivision Application, Rivers Edge II Subdivision File)
 10. The subdividers submitted a sensitive species report for the Bobolink that was prepared by Log Cabin Environmental Consulting. The report stated this parcel does not appear to provide the preferred habitat for Bobolinks. (Rivers Edge II Preliminary Plat)
 11. *To mitigate impacts on wildlife and wildlife habitat, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*
 - *The covenants shall include riparian use guidelines. (Condition 2)*
 - *The covenants shall include a provision recommending full cut-off lighting. (Condition 2)*
 - *The covenants shall include provisions related to the proximity of the property to the Lee Metcalf National Wildlife Refuge. (Condition 2)*
 - *The no-build/alteration zone on the wetlands and riparian area shall be shown on the final plat as proposed on the preliminary plat. (Condition 12)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. The property will be accessed via Old Eastside Highway, Edge Drive, and Edge Court. (Rivers Edge II Subdivision Application)
2. In a letter dated October 28, 2008, Bob Cron from the Ravalli County Park Board recommended that the applicants as part of their transportation system, for the safety of children and walking adults, construct a minimum five foot wide asphalt trail along one side of the access road. (Exhibit A-1)
3. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*
4. *A five-foot wide, ADA compliant, trail shall be constructed within the 60-foot wide easement along Edge Court and Edge Drive. The trail shall be shown on the final plat within the easement of Edge Court and Edge Drive beginning at the cul-de-sac of Edge Court and ending at the bus shelter near Old Eastside Highway. The trail shall be constructed prior to final plat approval. (Condition 11)*

Emergency Vehicle Access and Response Time

5. The proposed subdivision will be served by the Three Mile Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Rivers Edge II Subdivision Application)
6. The property is located 1,000 feet from the Lone Rock Fire Station. (Ravalli County GIS)
7. The property is located 3.5 miles from the Stevensville Fire Station. (Rivers Edge II Subdivision Application)
8. The property is located approximately 23 miles from the Sheriff's Dispatch in Hamilton. (Rivers Edge II Subdivision Application)
9. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

10. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Rivers Edge II Subdivision Application)
11. *To mitigate effects on water and wastewater, the DEQ Certificate of Subdivision Approval, RCEH approval shall be submitted with the final plat submittal. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

12. The property is approximately 75 feet from the Bitterroot River to the west and the riparian area associated with the river. It does not border the River. Though the area defined as floodplain is currently encumbered by a no-build/alteration zone, rivers and streams are prone to migration, which could affect the boundary of the floodplain. (Ravalli County GIS, Floodplain Management Study Bitterroot River, Ravalli County, Montana (November, 1995) and RCSR Section 5-2-1(3))
13. In her letter dated October 16, 2008, Ravalli County Floodplain Administrator Laura Hendrix recommended the following: (Exhibit A-9)
 - a. To allow for possible channel migration and bank erosion, the no build/alteration zone should include all areas within the floodplain and should additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet.
 - b. It is strongly recommended that the future property owners obtain flood insurance due to the proximity of the flood hazards as standard homeowner's insurance policies do not cover flood damages.
 - c. Basements and below grade crawl spaces should be prohibited in proposed residences. Even though FEMA has granted a LOMR-FW for the subject property, the prerogative to require flood insurance belongs to the mortgage lenders. Property owners with enclosed floors below the 100-year base flood elevation (BFE) pay substantially higher insurance premiums than those who build above the BFE. Requiring above grade enclosures will also reduce the possibility of groundwater inundation into finished basements and crawl spaces which typically contain the structure's heating, ventilation and air systems.
14. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
15. The addition of nine new residential homes in an area that currently has low density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
16. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites, as shown on the plat. (Rivers Edge II Preliminary Plat)

17. The preliminary plat shows and a site visit confirmed that wetlands and a riparian area exist along the western edge of the property. (Rivers Edge II Preliminary Plat, Site Visit)
18. Portions of the subject property are may be encumbered by the dam inundation zones of Lake Como and Painted Rocks Reservoir. (Ravalli County GIS)
19. *To mitigate possible impacts on public health and safety, the following conditions shall be met:*
 - *A notification of very limited soils shall be included in the notification document. A reduced copy of the final plat showing the approximate location of the "very limited" soils shall be included with the notifications document as an exhibit. (Condition 1)*
 - *A notification of the potential location within the Lake Como and Painted Rocks dam inundation zones shall be included in the notification document. A reduced copy of the final plat showing the approximate location of the inundation zones shall be included with the notifications document as an exhibit. (Condition 1)*
 - *The notifications document filed with the final plat shall include information for lot owners about developing near the floodplain. (Condition 1)*
 - *The covenants shall include a statement recommending all lot owners obtain flood insurance. (Condition 2)*
 - *The covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *The final plat shall show a no build/alteration zone that includes all areas within the floodplain and additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet. The proposed wells and retention pond (on lot 4) are exempt from the no build/alteration zone and allowed to remain in the proposed locations. (Condition 12)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety

October 28, 2008

Randy Fifrickl
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

Subject : Rivers Edge Ridge II Major Subdivision

Dear Randy:

Rivers Edge II Major Subdivision's preliminary plat shows 9 lots on 10.45 acres. The required parkland dedication would be about 0.5 acres. The park land dedication requirement is smaller than the desired size for a neighborhood park. The Ravalli County Park Board, therefore, concurs with the applicants proposal to provide cash-in-lieu to meet their park obligation. We further recommend that the applicants as part of their transportation system, for the safety of children and walking adults, construct a minimum five foot wide asphalt trail along one side of the access road.

The plat map shows an easement between Lots 3 and 4 of the original Rivers Edge subdivision. This easement serves the common area to the west and provides access to the Bitterroot River. If this easement is not presently available for public use, approval of Rivers Edge II should be conditioned on providing public access on this route to the edge of the Bitterroot River.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,

Robert M. Cron
For
Gary Leese
Chairperson,
Ravalli County Parks Board

EXHIBIT A-1

RECEIVED

OCT 15 2007
IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

--	--	--	--	--

October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

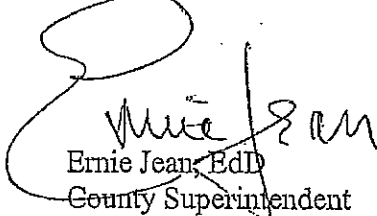

Ernie Jean, EdD
County Superintendent

Exhibit A-2

Stevensville Public Schools

Superintendent
Kent Kultgen
Ext. 138

300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381

Clerk/Business
Manager
Bill Schiele
Ext. 139



June, 24 2008

Jean Kammerer
Kammerer Environmental Consulting
P.O Box 134
Stevensville, MT 59870

Dear Jean:

As per our conversation of June 24, we are requesting that the Lone Pine subdivision be required to erect a bus shelter as a part of the conditions of approval. This bus shelter shall be erected on the road approach to Eastside Highway and may include the following items;

A covered area of at least 32 sq. ft.

Protection on the north and south ends of the shelter

A bench of at least 5 ft. in length

Please keep in mind our district policy is not to take school buses on non-county or state maintained roads, and so we are also requesting that there not be any type of bus turnout included with this subdivision.

In addition, Jean, since Lone Pine is within the three mile limit (distance from Stevensville Public Schools), there may be a time when our school district buses may be filled to capacity with students outside the three mile limit. In the event, that would take place, bus service would not be available.

Thanks for the opportunity to cooperate with you on this subdivision. Be sure to call if there are any questions.

Sincerely,

Paul Ludington
Transportation Supervisor
777-5646

"Home of the Fightin'

EXHIBIT A-3

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation



Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

RECEIVED

FEB 14 2007
IC-07-02-186
Ravalli County Planning Dept.

February 13, 2007

John Lavey
Ravalli County Planning
215 South 4th Street; Suite F
Hamilton, MT 59840

Subject: 5-lot minor residential subdivision "River Edge Two"

John, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 5-lot residential subdivision "River Edge Two". The proposed subdivision is located off of the East Side Highway (S-203) on old east side highway north of the community of Stevensville.

I have no specific comments or any immediate concerns regarding the proposed 5-lot residential subdivision. Modifications to the intersection with the East Side Highway were completed by the adjacent subdivision.

I do however continue to urge Ravalli County to consider the future operations of the transportation system. As development continues in Ravalli County, the transportation needs are going to increase. Intersection and roadway improvements will be needed in many locations. Funding for these improvements will be very hard to find, if not impossible. These are all funds that could be assessed as an impact or mitigation type fee and then reserved for use at a later date.

MDT encourages Ravalli County to work towards creating and assessing impact or mitigation type fees to address these current and future transportation needs.

Sincerely,

Glen Cameron
Missoula District Traffic Engineer

copies: Gary Hornseth, Missoula Area Maintenance Superintendent

Randy Fifrick

From: Cameron, Glen [gcameron@mt.gov]
Sent: Wednesday, October 29, 2008 7:52 AM
To: Randy Fifrick
Subject: RE: Comments for Rivers Edge II Major Subdivision

Randy - I received a sufficiency letter and did not feel you were asking for additional comments beyond those submitted in 2007. It does appear 4 more lots were added. No additional comments.

Attached are my comments from 2007 - thanks

*Glen Cameron
Missoula District Traffic Engineer
Montana Department of Transportation
2100 West Broadway
P.O. Box 7039
Missoula, MT 59807-7039
phone: 406.523.5800
gcameron@mt.gov*

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, October 28, 2008 4:27 PM
To: Cameron, Glen; kultgen@montana.com
Subject: Comments for Rivers Edge II Major Subdivision

All,

I am in the process of writing the Staff Report for Rivers Edge II major subdivision. You should have received a letter dated October 6, 2008 describing the proposal. Rivers Edge II is a 9-lot major subdivision on 10.45 acres. The subdivision is located off Old Eastside Highway north of the Town of Stevensville. If you could get me any comments you may have within the next week I would very much appreciate it. If you have additional questions for me don't be afraid to ask.

Thanks,

Randy Fifrick
*Ravalli County Planner I
215 S 4th St, Suite F
Hamilton, MT 59840
406-375-6530
rfifrick@ravallicounty.mt.gov*

EXHIBIT A-6

10/29/2008

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
 Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

EXHIBIT A-7

6/29/2007

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 11 2007

Ravalli County Planning Dept.



10-07-06-729

June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wyrwas".

Mike Wyrwas
Growth Management Coordinator
Big Sky District

Randy Fifrlick

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter <= 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2008 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

EXHIBIT A-8

10/29/2008



Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravallicounty.mt.gov

OG-08-10-865

MEMO

Date: October 16, 2008

To: Randy Fifrick, Ravalli County Planner

From: Laura Hendrix, Ravalli County Floodplain Administrator

A handwritten signature in dark ink, appearing to be "LH", is written over the name "Laura Hendrix" in the "From:" line.

RE: Rivers Edge II Proposed Subdivision
Parcel #443100, Geocode #1869-25-4-03-13-0000

Thank you for the opportunity to comment on the Rivers Edge II proposed subdivision. According to the Ravalli County Floodplain Maps, the subject property was entirely located within the 100-year floodplain of the Bitterroot River. The property owner subsequently received a Letter of Map Revision – Floodway (LOMR-FW) in 2005 (Case #06-08-0046A) from the Federal Emergency Management Agency (FEMA) which effectively removed a significant portion of the parcel from the floodplain. Although the proposed building envelopes are no longer located within in the 100-year floodplain, the western portion of the parcel is still within the floodplain and could therefore be subject to flood hazards.

In effort to mitigate the impacts of flooding on public health and safety and to minimize the effects of the proposed development on the natural environment the following recommendations should be considered:

1. To allow for possible channel migration and bank erosion, the no build/alteration zone should include all areas within the floodplain and should additionally extend horizontally to the east from the western edge of the LOMR-FW boundary line a minimum of 100 feet.
2. The proposed wells and retention pond (on lot 4) should be exempt from the no build/alteration zone and allowed to remain in the proposed locations.
3. It is strongly recommended that the future property owners obtain flood insurance due to the proximity of the flood hazards as standard homeowner's insurance policies do not cover flood damages.
4. Basements and below grade crawl spaces should be prohibited in proposed residences. Even though FEMA has granted a LOMR-FW for the subject property, the prerogative to require flood insurance belongs to the mortgage lenders. Property owners with enclosed floors below the 100-year base flood elevation (BFE) pay substantially higher insurance premiums than those who build above the BFE. Requiring above grade enclosures will also reduce the possibility of groundwater inundation into finished basements and crawl spaces which typically contain the structure's heating, ventilation and air systems.

EXHIBIT A-9

Stevensville Public Schools

Superintendent
Kent Kultgen
Ext. 136



300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



Business Manager
Bill Schiele
Ext. 139

Randy Fifrick
Ravalli County Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

October 31, 2008

RECEIVED
NOV 03 2008
IC-68-11-1276
Ravalli County Planning Dept.

Dear Mr. Fifrick:

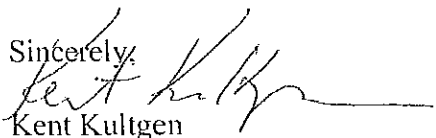
This letter is in reference to your correspondence on the Rivers Edge II Major Subdivision which is located in the Stevensville Public School District. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses can only travel on maintained state and county roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- Although our district has not conducted an impact fee study, it would be safe to say the cost would be approximately \$7,500 per single family dwelling. This estimate is based on other area schools' completed impact study findings.
- During the Spring of 2008 Stevensville Schools successfully ran a high school levy for the sum of \$170,000. This levy was extremely helpful, but we continually grapple with increased costs of meeting the educational needs of each child.
 - Purchasing new textbooks. Many of our classes do not have enough texts for students to take home, thus limiting the ability for the teacher to use texts as a teaching tool.
 - Utilities are skyrocketing and for the 2008-09 school year \$50,000 was added to our utility budget. As extreme as that sounds, it was still short by thousands of dollars according to the expected percentage increase of natural gas and electricity.
 - Staff salaries. Stevensville Schools is trying desperately to compete with other schools in the region along with neighboring states for qualified teachers.
- Until the time that impact fees are implemented we are requesting Mitigation Fees to help offset the expense of expanded enrollment. We understand this is a negotiated fee with the builders and we are asking for \$2,558 per lot. This amount is equal to the total taxes K-12 divided by the projected number of students per lot.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,


Kent Kultgen
Superintendent
Stevensville Schools

"Home of the Fighting Yellowj"

EXHIBIT A-10



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Lee Metcalf National Wildlife Refuge
4567 Wildfowl Lane
Stevensville, Montana 59870



RECEIVED

November 3, 2008

Ravalli County Planning Department
Randy Fifrick
215 South 4th Street, Suite F
Hamilton, MT 59840

NOV 05 2008
IC-08-11-1287
Ravalli County Planning Dept.

Dear Mr. Fifrick:

This letter is in response to your request for Agency Comments on Rivers Edge II Major Subdivision dated in an email October 30, 2008.

Using criteria that the Board of County Commissioners must consider, my comments are related to Criteria #4 Effects on Natural Environment, and Criteria #5 Effects on Wildlife and Habitat:

- I highly support and endorse the "Living with Wildlife" Covenants that the Montana Fish, Wildlife, and Parks suggest for such subdivisions. In addition, I would prefer that covenants be developed in cooperation with the Lee Metcalf National Wildlife Refuge (Refuge) to minimize impacts on groundwater and wildlife. Examples of such covenants would be no outside cats allowed, only approved herbicides to be used, no noxious weeds to be planted, and so forth. There is a concern of wandering domestic animals onto the Refuge which would constitute trespassing. Education of homeowners would help to prevent this.
- I recommend that homeowners are educated about the impacts of fertilizers on groundwater resources and ultimately wildlife and plants; especially with close proximity to the Bitterroot River where all groundwater will ultimately enter into.
- I recommend that construction, specifically tree-removal, clearing, and other dirt-moving activities, occur outside the timeframe of April 1st to July 15th. This timeframe is crucial to the nesting success of migratory birds that will utilize habitat in the riparian habitat. Since the Migratory Bird Treaty Act prohibits the taking of migratory birds or parts, which includes nests and eggs, if construction activities must occur during this timeframe, then the proper permits must be acquired. The riparian area on the Refuge just south of the proposed project is crucial habitat for neotropical songbirds that travel the Bitterroot River corridor to nest. Some state species of concern may be present in the proposed project area.
- I support and encourage the applicant to work with the Ravalli County Weed District on a weed management plan for the subdivision to minimize the introduction of noxious weeds. In addition, any construction equipment assigned to this project should have a way to clean the equipment prior to and when leaving the site so as not to track in or out any invasive species. The weed district may be able to provide recommendations for this procedure.
- Artificial light at night has been shown to affect the mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole. Whether outdoor

EXHIBIT A-11

light is directly adjacent to a species habitat or located at some distance, as through sky glow, the combined effects of artificial lighting on vast numbers of nocturnal species have the potential to disrupt the functioning of entire ecosystems by disrupting balances in competition and predation. To mitigate these impacts, there are specific steps homeowners and developers can take to reduce light pollution. I recommend that subdivision follow the guidelines as suggested by the International Dark-Sky Association to reduce impacts.

If you have any questions, please feel free to contact me either at 406-777-5552 extension 205 or erin_holmes@fws.gov.

Sincerely,

A handwritten signature in cursive script that reads "Erin Holmes". The signature is fluid and elegant, with the first letters of the first and last names being capitalized and prominent.

Erin Holmes
Refuge Manager



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
406-542-5500
Fax 406-542-5529
July 1, 2004

Jessica Hennell, Planner
Ravalli Co. Planning Department
215 S. 4th, Ste. F
Hamilton, MT 59840

Dear Ms. Hennell:

Reference: Rivers Edge--Proposed major (17-lot) subdivision, north of Stevensville

We have reviewed the preliminary plat and joint Montana DEQ and Ravalli County application submittal. Our comments follow.

Bitterroot River

FWP Bitterroot fisheries biologist Chris Clancy met in June with Gordon Sorenson (consultant) and Gary Minster (owner) of the Rivers Edge Subdivision to discuss work they had done in the floodplain near the Bitterroot River. This work apparently included excavating a trench approximately 650-feet long near the riverbank and filling it with riprap. Sorenson indicated the trench was 12-15 feet wide and 12-14 feet deep. The purpose of the trench is to stop any further lateral migration of the Bitterroot River into the development. Clancy inquired why the trench was constructed, instead of stabilizing the stream bank; Sorenson said he wanted to avoid having to get permits within the stream channel.

They discussed the Montana Natural Streambed Preservation Act permitting process, and Clancy explained that the purpose of the permits was to minimize the impacts of projects to the river. The permit process attempts to minimize the amount of riprap that is used and routinely requires that vegetation must be established on the stream bank. If the river migrates much further to the east, which is likely¹, it will now encounter a large amount of rock in the trench, which would presumably stop the migration and become the stream bank. This rock and lack of vegetation is what we try to avoid in stream bank stabilization projects. In some circumstances, where structures are in jeopardy, a rock filled trench is an appropriate means to protect the structure. However, this trench constructed within the no build/alteration zone of the subdivision will most likely have impacts to the river. Stream bank stabilization, by definition, alters stream flow patterns and sediment transport. However those impacts could be minimized by properly designed projects. This project does not meet the criteria established for stabilization of stream

¹ For instance, note the changes in the river's location in the two aerial photos (C-1 and C-2, taken less than two years apart) in the subdivision application.

banks along the Bitterroot River. Since the project was not within the high water mark of the Bitterroot River, a "310" permit was not technically necessary; however, we believe a stream bank stabilization project permitted with a 310 permit would have been a more appropriate and less impactful means of stabilizing this portion of the Bitterroot River.

In an attempt to lessen some of this subdivision's possible impacts on the Bitterroot River and its associated riparian areas, we recommend consideration of the following:

1. Expand the current "no build/alteration" (buffer) zone for this subdivision from 100 feet from the top of bank to a minimum of 200 (ideally, 300) feet in order to increase the buffer between the river and the subdivision.
2. Redraw the lot boundaries so that all portions of all lots are outside the "no build/alteration" zone. This would offer more riverbank protection by not creating a situation where the owner of one (or more) of the lots that currently front (or nearly front) the river could create conditions that would further impact the river (i.e., fencing into the riparian area, planting lawns and fertilizing near the river, etc.)
3. Designate the entire no build/alteration zone as part of common area for the subdivision. This would enable the homeowners association to be responsible for this important area.
4. Add a section (see enclosure) to the covenants that regulates or guides the development and use of this riverfront commons area. This would include actions that would enhance the area (planting native trees, shrubs; not allowing lawn grasses), as well as protect it (i.e., not allowing motorized use of the area).

Covenants

We appreciate the covenants dealing with garbage and pets--adherence to these by homeowners should help reduce potential conflicts with wildlife. We note that this subdivision is located within ¼ mile of the Lee Metcalf National Wildlife Refuge, as well as being adjacent to the Bitterroot River and its extensive riparian areas and associated wetlands. Wooded draws are part of the hillsides less than ¼ mile to the east. Wildlife abounds in the general vicinity of this subdivision. In particular, animals such as white-tailed deer, fox and skunks are found in the area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species--including waterfowl and birds of prey--can be found nearby, as well as nesting birds. We feel that "living with wildlife" issues should be fully conveyed in the covenants to future landowners for this subdivision, in order to help homeowners deal with and avoid potential wildlife issues. Therefore, we recommend fine-tuning the covenants by changing or adding sections that would enhance their effectiveness. Our recommendations:

1. We recommend adding the following sentence to the Fencing section (Article IV.6):
Consider boundary fencing that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence.

2. We note the proximity of this proposed subdivision to the Lee Metcalf Refuge and the Bitterroot River and the potential for conflicts between waterfowl hunters and the subdivision. We recommend adding the following to the Firearms section (Article IV.22): Purchasers of lots within this subdivision must recognize the subdivision is located near and/or adjacent to public hunting areas (such as the Lee Metcalf National Wildlife Refuge and the Bitterroot River) where lawful waterfowl hunting and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
3. We recommend expanding and renaming the “Wildlife and Wildlife Habitat” section 7 (Article VI) by replacing the current section with the one we have included with this letter (see enclosure).
4. We recommend that the Amendment section (Article VI.4), be modified to state that covenants relating to Fences, Garbage, Animals and Pets, Living with Wildlife, and any portions of the riparian no build/alternation zone cannot be changed without the consent of the Ravalli County Commissioners.

Thank you for providing the opportunity for MFWP to comment on this subdivision, and we apologize that we could not provide these comments earlier. (Please contact Sharon Rose at 542-5540 or shrose@state.mt.us if you wish to receive an electronic version of these comments or covenants.)

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

Enclosure: “Living with Wildlife” and “Riparian” covenants

C: Gordon Sorenson Engineering, 2610 Gunsight Court, Missoula, MT 59804

Section 7: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, bears, mountain lions, skunks and raccoons. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners “live with wildlife.”

In addition to the Fences, Garbage, and Animals and Pets sections (6, 13 & 14, Article IV) of the Covenants, the following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners should be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a “concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners should be aware that deer could occasionally attract mountain lions to the area.
- d. **Birdseed** attracts bears. Consider not using them in this area between the months of April through October. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- e. **Barbecue grills** must be stored indoors, and permanent, outdoor barbecues grills are not allowed. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.

- f. **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant.

Section ____: Commons Area use and development of a Riparian Area along the Bitterroot River

The goal of establishing the 200-foot “no build/alteration zone” is to help protect the Bitterroot River and its riverbank from impacts of this subdivision. Additionally, it is hoped that a functioning riparian area could be developed or enhanced along this portion of the river. Therefore, the following restrictions will guide the use and development of this zone:

1. No buildings, fences, roads, etc. may be erected or placed inside this area.
2. Allowed use is only on foot; no motorized use is allowed.
3. Any planting in the zone will be native vegetation (trees, shrubs, forbs and/or grasses) that is appropriate to riparian areas in the Bitterroot Valley. Leave or plant native vegetation (i.e., no lawns) as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
4. Do not cut or remove live or dead vegetation, particularly shrubs and trees. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control for noxious weeds.
5. In summary, allow the riparian area adjacent to the river to remain undisturbed. Do not modify it unless such change would help return the area to a natural state.

Ed and Katherine Quick
5481 Old Eastside HW
Stevensville, Mt 59870

11/5/08

RECEIVED

NOV 05 2008

Ravalli County Planning Dept
Public Hearing

To:

Board of County Commissioners
Ravalli County, Montana

RE: Edge 2 subdivision proposal

As the largest adjoining landowner of the proposed subdivision my greatest concern is that the owners of the subdivision will do another rip rap project and further endanger downstream property of which ours is in the most immediate danger.

Rip rap projects of the sort that preceded Edge 1 subdivision serves to speed up the water and pass bank undercutting to the next downstream property owner.

I am willing to accept whatever happens in the coming years to our bank as long as it isn't caused by illegal and unwise rip rap. It is unsightly and merely passes whatever perceived problem the rip rap builders have to the next downstream neighbors.

Very truly yours,

Ed Quick *Katherine A. Quick*

Ed and Katherine Quick

EXHIBIT B-1

RECEIVED

NOV 06 2008
IC-08-11-1298
Ravalli County Planning Dept.

Ravalli County Planning Board
215 S 4th, Suite F
Hamilton, MT 59840

Attn: Case Planner - Randy Fifrick

I was able to attend the Planning Board meeting November 5th which reviewed the River's Edge II subdivision. It is my opinion that you made the correct decision denying this proposal. Please allow me to voice a few of my concerns.

The subdivision site is composed geologically of fine glacial fill. It is very porous and highly erosive. The addition of 9 septic on this 10 acre site is a major concern for the Bitterroot floodway, particularly since 16 septic have already been granted just upstream for River's Edge I.

The Bitterroot River wants to migrate to the west. After the 2008 high water event the main channel wound up in the Metcalf Channel upstream of the River's Edge subdivision. To prevent any further erosion, the River's Edge I built what they call "curtain drain." This has turned into a very long riprap wall which has had both upstream and downstream impacts.

The wall is slowly collapsing putting these new homes in jeopardy and septic closer our world class trout fisheries. Even though the River's Edge II proposal has only a corner of its property actually bordering the Bitterroot River, it may as well be on the bank. It should be considered a floodway. 9 more septic here is not a good idea. In closing, the River's Edge I was the worst subdivision in Ravalli County to date. The developer shouldn't be allowed to degrade this location any further. Please stand firm with your decision.

Thank you.

Sincerely,

Jack C. Mauer
516 Chickadee Lane
Victor, MT 59875

406 642-6548
wapiti@wapiti-waters.com

EXHIBIT B-2

Randy Fifrick

From: Joanne Costanzo [jlc1125@bresnan.net]
Sent: Friday, November 14, 2008 11:46 AM
To: Greg@chilcottforcommissioner.com
Cc: Randy Fifrick

November 13, 2008

Ravalli County Planning Department
Public Comment for upcoming Commissioner's Meeting re: River's Edge II Major Subdivision (RE#2)

Members of the River's Edge Homeowner's Association attended the November 5th public meeting on the proposed subdivision referred to as River's Edge II.

The following is a list of concerns regarding this proposed subdivision.

- 1) The engineer for this project used a 2005 aerial photograph as one of his visual aids to show the location of the proposed development and its relation to the river. It would seem prudent to use a current aerial photograph for this perspective and, to compare the two photographs to realistically view the river and how it has evolved in the past three years.
- 2) Nine additional septic systems close to the flood plane should be a concern to the whole community.
- 3) Entrance Road Access: The road conceptualized by the developers assumes use of our private right-of-way and a section our private road, owned, maintained and snow-plowed by us, the River's Edge Homeowners' Assoc. Inc.
(Not affiliated with River's Edge #2.) We do not agree to this assumed access for the safety reasons listed below.
- 4) Safety: The access as planned presents a point of traffic congestion at the short stretch of Edge Drive to Old Eastside Highway. Automobile traffic from the 17 lots of RE#1 and the 9 proposed lots of RE#2, plus pedestrian traffic as children walk to and from the school bus stop constitute a safety concern for both drivers and walkers.

Should this subdivision proposal be approved, we recommend that the primary access to RE#2 be directly from Old Eastside Highway.

Respectfully submitted by the following members of the River's Edge Homeowners' Association,

Steve and Joanne Costanzo
Ray and Jane Karr
Chuck and Sue Buchanan

Q9419095

^ ^ ^

Q9419095